

EXHIBIT A

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, : 23-CR-496(ENV)(HG)

Plaintiff : United States Courthouse
against- : Brooklyn, New York

ANATOLY LEGKODYMOV, : December 20, 2023
Defendant. : 1:00 p.m.

TRANSCRIPT OF BAIL APPEAL
BEFORE THE HONORABLE HECTOR GONZALEZ
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: BREON PEACE
United States Attorney
BY: ARTIE McCONNELL,
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Brooklyn, New York

For the Defendant: VENABLE LLP
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BY: MARK E. SCHAMEL, ESQ.

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1 allow this defendant who presents a real flight risk to go at
2 liberty with no immigration status in this country and many of
3 the gaps and knowledge that Your Honor mentioned and alluded
4 to, I think it is too risky given the burden and the standard
5 at this stage of the case.

6 THE COURT: All right. I will be back out in under
7 ten. All right?

8 MR. McCONNELL: Thank you.

9 THE COURT: Thank you, Marshals.

10 (Recess taken.)

11 THE COURT: All right. Look, as Judge Henry noted
12 during her hearing, this is certainly a tough case.

13 I have considered all the arguments raised by the
14 parties, as well as the arguments raised by the parties during
15 the earlier hearing before Judge Henry.

16 Given all the uncertainties here, most significantly
17 to me is the possible wide range in the Sentencing Guidelines
18 and therefore what the possible sentence here may be, even
19 though the maximum sentence here could be 60 months, anything
20 near 60 months I still find to be a significant period of
21 incarceration, as well as the other areas of uncertainty that
22 the Government pointed out, including the Defendant's
23 immigration status, or the lack of an immigration status I
24 should say, and his lack of any other connection to the U.S.,
25 as well as the lack of transparency into the Defendant's

1 financial resources, I find that the Defendant has failed to
2 meet his burden by clear and convincing evidence that he is
3 not likely to flee. I am therefore continuing his detention.

4 But as I did mention earlier, I think once the
5 presentence report is issued in this case -- and my
6 understanding from the representations made by the parties is
7 that hopefully that will be as soon as right after the new
8 year -- that there will be more clarity regarding the possible
9 sentence exposure in this case, and also the fact that the
10 Sentencing Court here has indicated that it will be prepared
11 to do the sentence as early as possible in January once the
12 presentence report is prepared, I think the wiser course, in
13 order to have more perfect information, is to, if the
14 Defendant wishes at that time, to renew his application for
15 bail at that time with more clarity from the PSR. And then
16 whoever that application is made in front of, probably Judge
17 Vitaliano, will have the information necessary to really make
18 an assessment about what the sentence exposure in this case
19 is. So for that reason, I think the wiser course here is to
20 continue the detention and wait for the PSR.

21 If there is any issue with -- I don't know what
22 Judge Vitaliano's schedule is over the next week, but I'm
23 also -- you know, I can address -- if Judge Vitaliano is not
24 available, the parties don't need to go to the miscellaneous
25 judge. They can come to me, since I have invested time in the

1 case and have read the materials, for any renewed application.
2 So if Judge Vitaliano is not available, you don't need to go
3 to the -- you're obviously free to go to the miscellaneous
4 judge, but you can come to me if there is an additional
5 application that Judge Vitaliano can't hear.

6 All right. Anything else at this time?

7 MR. McCONNELL: No, Your Honor. Thank you.

8 THE COURT: All right.

9 MR. SCHAMEL: Just to reiterate my request from
10 Probation that the Marshal Service be asked not to send him
11 back right away so that we can do the PSI interview
12 downstairs.

13 THE COURT: I will ask the Marshals because I don't
14 control their schedules.

15 He would have to wait for the bus anyway? Or were
16 you going to put him right -- is there anyone else in the
17 building?

18 U.S. MARSHAL: Your Honor, I do not have that
19 answer, but typically it would be, if we had multiple people,
20 which we do, it's two buses, 1:00 in the afternoon, early
21 afternoon, and then one at the last court.

22 THE COURT: Yes, so if I can ask the Marshals if at
23 all possible, if there is still a transport that's going out
24 later in the day, if we could keep him until whatever the time
25 is of that last transport to give Probation an opportunity to